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**Testimony of Senator Jeff Plale on AB 450
Assembly Committee on State Affairs
August 28th, 2007**

Thank you Ladies and Gentleman of the Committee for allowing me to speak to you this morning in favor of Assembly Bill 450. This bill requires that all public buildings in Wisconsin exclusively fly American-made United States flags.

In recent years, an increasing number of flag retailers have begun selling American flags that are either partially or entirely manufactured outside of the United States. Not only does this increase the number of lost jobs for American workers, but it also decreases the quality of the symbol that is meant to represent the freedom and justice that we, as Americans, stand for. Among other important uses of the American flag, we fly it over our national and state capitols. It only makes sense that American flags made by American people should be placed upon the tops of taxpayer-funded buildings engaged in the official business of the State of Wisconsin.

I thank you for your time.





WISCONSIN STATE REPRESENTATIVE
Louis J. Molepske, Jr.
71ST ASSEMBLY DISTRICT

Assembly Bill 450
Keep "Old Glory" American Act

I. Background:

- A. Until recently, the greatest number of American flags imported into the U.S. in a single year was approximately 2.5 million.
- B. However, in the wake of September 11, foreign businesses capitalized on the increased sense of American patriotism by producing and exporting millions of American flags.
- C. The peak of this profiteering was in 2001 when **113 million** American flags were imported, equating to almost **\$52 million**.
- D. The vast majority of imported United States flags come from China. In fact, nearly **20%** of all flags sold at The United States Flag Store originated in China.
- E. As the years have passed since September 11th, the trend of importing American flags has continued.
 - 1. According to the United States Census Bureau, in 2006, the United States imported over **9 million** American flags for a total value of approximately **\$5.3 million dollars**.
 - 2. Although about \$350 million worth of American flags were made in the U.S. in 2006, this amounts to **less than 2%** of the total value of American flags worldwide.
 - 3. Foreign made flags are generally **30%** cheaper than their American-made counterparts. On average, foreign made flags cost **\$15** less than American made flags.
 - a. However, the disparity in price generally comes with a commensurate disparity in quality.

II. Current Law:

- A. To date, no measures of any kind have been enacted in the State of Wisconsin to regulate the sale of American flags.
- B. Other states, including Minnesota, have attempted to address the issue by enacting legislation to prohibit the sale of American made flags and flag merchandise not made in the United States.

1. Although Minnesota passed this bill, it would seem to violate the Commerce Clause (state's cannot regulate interstate commerce) and a number of international trade agreements (state's cannot treat foreign products less favorably than American made products).
 - a. In recognition of these concerns, Tennessee recently enacted legislation that would simply require all United States flags bought via state contract to be made in the United States.

III. Issue:

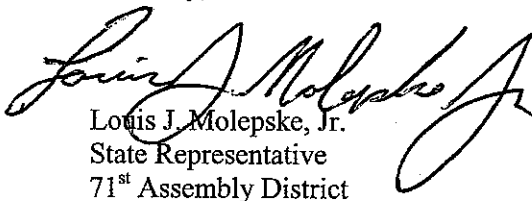
- A. Taxpayer-funded buildings, facilities, and structures should promote American-made flags and American jobs.
- B. The American Flag is the single most identifiable symbol of our country and its values. It is the American flag that flies over our national and state capitols; it is the American flag that leads our troops into battle; it is the American flag that is lowered to half-mast during times of national mourning; and it is the American flag that we all stand and pay our respects to at public gatherings. Therefore, it only makes sense that American flags made by Americans should grace the tops of taxpayer-funding buildings engaged in the official business of the State of Wisconsin.

IV. Assembly Bill 450:

- A. Succinctly stated, Assembly Bill 450 would require each state agency, authority, and local governmental unit in Wisconsin to ensure that every United States flag that is flown at each building, structure, or facility that is owned or occupied by the agency is manufactured in the United States.
 1. Assembly Bill 450 does not specify a penalty for violations. However, its provisions would be enforceable through the court system.
 2. It is not expected that Assembly Bill 450 would have any major fiscal impact on the state.

Thank you very much for your consideration of this proposal.

Sincerely,


Louis J. Molepske, Jr.
State Representative
71st Assembly District



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August 2, 2007

Representative Louis Molepske
111 N. State Capitol
P.O. Box 8953
Madison, WI 53708

Dear Mr. Representative Louis Molepske:

I am writing this letter at your office's request relative to whether or not the American flags used on government buildings should actually be made in America. Being an American manufacturer of flags, I certainly subscribe to an official decree of having American made flags on government buildings. I would venture to say that all legitimate flag manufacturers in America would agree with me. The flags made domestically are of better quality, better color, and superior craftsmanship than foreign made U.S. flags.

In addition, of course, is the patriotic feeling that most Americans have for the American flag. It has been the symbol of our country since 1776 and there are so many things that it stands for that any foreign made U.S. Flag would, to me, diminish its significance.

I can tell you from my personal experience, while serving aboard DE 189 (U.S.S. Bronstein), the wonderful feeling and emotional uplift that you get when you come into a home port and see the U. S. flag proudly flying. It's the same feeling when you see the Statue of Liberty.

The reason behind having an American made U.S. flag on government buildings is really my personal feeling, and I think would be multiplied and magnified by millions of Americans.

Yours very truly,

Eugene J. Eder

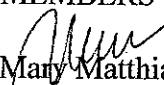
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WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: MEMBERS OF THE ASSEMBLY COMMITTEE ON STATE AFFAIRS
FROM:  Mary Matthias, Senior Staff Attorney
RE: 2007 Assembly Bill 450, Relating to Flying of the Flag at Public Buildings
DATE: March 10, 2008

2007 Assembly Bill 450 requires that every United States flag "flown" at certain governmental buildings, structures, or facilities must be manufactured in the United States. This memorandum was prepared at the request of the Assembly Committee on State Affairs, to provide a record of the committee's intent that the requirements of Assembly Bill 450 apply only to flags flown over, or on top of, the buildings, structures or facilities referred to in the bill. The committee does not intend that the requirements of the bill apply to flags displayed indoors.

At the committee's meeting on November 28, 2007, committee members asked whether the term "flown" was defined in the bill, and whether the bill would require that a flag used indoors, such as a flag mounted in a stand on a desk in a governmental building would be subject to the bill's requirements.

The committee was informed by counsel that the term "flown" is not defined in the bill, and therefore the standard dictionary definition of the term should be consulted to determine the meaning of the term. The applicable standard dictionary definition of "fly" is that provided for the term when used as a transitive verb. That definition (from the Merriam Webster Online Dictionary) is as follows:

"To cause to fly, float, or hang in the air <flying a kite>"

The committee's statement of intent is compatible with the written testimony distributed to the committee by the bill's author, Representative Louis Molepske. In that written testimony, after describing the symbolic importance of the flag to our nation, Representative Molepske stated: "Therefore, it only makes sense that American flags made by Americans should grace the *tops* of taxpayer-funding (sic) buildings engaged in the official business of the State of Wisconsin." (Emphasis added.) At the committee meeting, Representative Molepske stated he intended that the requirements of the bill apply only to flags flown outdoors, over or on top of the buildings specified in the bill.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

MM:ksm